

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**MICHAEL BERRIAN,**

**Plaintiff,**

**v.**

**Warden SHEILA OUBRE, et al.,**

**Defendants.**

**CIVIL ACTION NO. 5:13-CV-163 (MTT)**

**ORDER**

United States Magistrate Judge Charles H. Weigle recommends granting Defendant Willie Wells's motion for summary judgment (Doc. 37) because the Plaintiff has failed to show that there are genuine issues of material fact as to whether Defendant Wells was deliberately indifferent to a substantial risk of serious harm to the Plaintiff.<sup>1</sup> (Doc. 41). The Plaintiff has not objected to the Recommendation. The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, Defendant Wells's motion for summary judgment (Doc. 37) is **GRANTED**.

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<sup>1</sup> There is evidence that prior to being attacked the Plaintiff did not feel safe in his dormitory because he had an altercation with his attacker and witnessed his attacker assault another inmate. (Doc. 37-3 at 42:6-43:4, 48:7-49:5, 51:10-52:10, 64:14-65:4). There is also evidence that the Plaintiff told Defendant Wells he wanted protective custody and to be taken out of his dormitory because he did not feel comfortable or safe. (Doc. 37-3 at 49:9-50:18, 65:9-25). However, the Plaintiff has not produced evidence to support his allegation that Defendant Wells knew his dormitory was "unaccep[tably] dangerous," (Doc. 30 at 2), such that the Plaintiff's requests made Defendant Wells "aware of specific facts from which an inference could be drawn that a substantial risk of serious harm exist[ed]." *Carter v. Galloway*, 352 F.3d 1346, 1349 (11th Cir. 2003); see *Hale v. Tallapoosa Cnty.*, 50 F.3d 1579, 1583 (11th Cir. 1995) (holding a plaintiff need not show that the defendant knew "precisely who would attack whom," but only that the defendant "had subjective knowledge of a generalized, substantial risk of serious harm from inmate violence" (citing *Farmer v. Brennan*, 511 U.S. 825, 844 (1994))).

**SO ORDERED**, this 1st day of September, 2015.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT